

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

HOWARD M. KERSTINE

Plaintiff

vs.

NINE WEST GROUP, INC.
JONES APPAREL GROUP

Defendants

CASE NO. C-1-02-080

Judge Weber

**NOTICE OF SUPPLEMENTAL
AUTHORITY**

Now comes Plaintiff to provide supplemental authority concerning the pending motion for summary judgment, in particular concerning the promissory estoppel issue which is addressed on page 8 and 9 of the recent decision in *Lemmo v. House of Larose Cleveland, Inc.*, 2003-Ohio-4346 (Ohio App. 8th Dist. August 14, 2003) (attached hereto).

s/ Paul H. Tobias
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CERTIFICATE

I hereby certify that on September 26, 2003, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will automatically serve Gary L. Greenberg, Esq., Denlinger, Rosenthal & Greenberg, 2310 Firststar Tower, 425 Walnut Street, Cincinnati, Ohio 45202 and I hereby certify that I have mailed by U.S. Postal Service the document to the following non CM/ECF participant: Conrad S. Kee, Esq., Jackson, Lewis Schnitzler & Krupman, 177 Broad Street, P.O. Box 251, Stamford, Connecticut 06904-0251 by ordinary U.S. Mail this 26th day of September, 2003.

s/ Paul H. Tobias
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